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JEPPESEN DATAPLAN, INC.

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 BINYAM MOHAMED; ABOU ELKASSIM  
BRITEL; AND AHMED AGIZA,

13 Plaintiffs,

14 vs.

15 JEPPESEN DATAPLAN, INC.,

16 Defendant.

CASE NO. C 07-2798 JW

**DECLARATION OF DANIEL P.  
COLLINS IN SUPPORT OF  
DEFENDANT'S MOTION TO  
CHANGE TIME IN LIGHT OF THE  
UNITED STATES' RECENTLY FILED  
STATEMENT OF INTEREST**

**[Civil Local Rule 6-3]**

**DECLARATION OF DANIEL P. COLLINS**

I, Daniel P. Collins, do hereby declare as follows:

1. I am a member of the law firm of Munger, Tolles & Olson LLP, counsel of record for Defendant Jeppesen DataPlan, Inc. in *Binyam Mohamed, et al. v. Jeppesen DataPlan, Inc.*, No. C-07-2798-JW, which is pending in this Court. I am a member in good standing of the bar of this Court. The matters set forth herein are based upon my own personal knowledge and, if called upon to do so, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the “Stipulation Under Local Rule 6-1(a) Extending the Time to Respond to the Complaint,” which was filed in this action on June 26, 2007.

3. Attached hereto as Exhibit B is a true and correct copy of the “Stipulation and Order Re: Briefing on Motion to Dismiss,” as entered by this Court in the docket on August 14, 2007.

4. Attached hereto as Exhibit C is a true and correct copy of the “Statement of Interest of the United States” that was filed in this action on September 6, 2007.

5. On August 30, 2007, I communicated by telephone with Michael Abate of the Civil Division at the U.S. Dept. of Justice, who had left me a voicemail message earlier that day. Mr. Abate informed me that the U.S. was considering whether to participate in the action, that it anticipated being able to file its papers one way or the other on October 19, 2007, and that he wanted to know whether the parties would be willing to enter into a stipulation that would postpone Defendants’ response date until after that. In discussing the format that such a stipulation might take, Mr. Abate ultimately suggested that the parties could include a verbatim recital setting forth what they had been told about the position of the U.S. as follows: “The United States has informed the parties that it is presently considering whether and how to participate in this action, including whether to assert the state secrets privilege, and requests until October 19, 2007 to make its determination. If the United States determines to participate in this action, it anticipates filing its papers by October 19, 2007.” I informed him that I would raise the matter with my client and with counsel for the Plaintiffs.

